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Docket No.: 20511 US (C038435/0111693)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Akira ASAKURA, *et al.*) Examiner: E. Slobodyansky, Ph.D.
Serial No.: 09/712,768) Art Unit: 1652
Filed: November 14, 2000)
For: **CYTOCHROME C OXIDASE**)
ENZYME COMPLEX)

New York, New York
July 30, 2004

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box. 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the NOTICE OF NON-COMPLIANT AMENDMENT mailed on July 21, 2004, ("Notice"). The Notice set a one-month shortened statutory period for response. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before August 21, 2004. No fee is believed to be due. If it is determined that a fee is due, please charge such fee to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

Application No.: 09/712,768
Notice Dated: July 21, 2004
Reply to Notice mailed: July 30, 2004

The Notice asserted that the RESPONSE TO OFFICE ACTION INCLUDING AMENDMENT ("Response") filed on June 29, 2004, "is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121." (Notice at 1). In particular, the Notice asserted that "[t]he listing of claims does not include the text of all claims (including withdrawn claims)." (*Id.*). A copy of the Notice is attached hereto as Exhibit 1.

As the Notice directs we submit herewith as Exhibit 2 the complete AMENDMENTS TO THE CLAIMS section of the Response, containing a listing of the text of all pending claims. In view of the foregoing, it is respectfully submitted that the Response is in full compliance with Rule 121. It is expected that the PTO will replace the original Amendments section of the Response with the substitute section presented herewith.

For the reasons set forth above, favorable action on the merits, including entry of the amendments, withdrawal of the rejections and objections, and allowance of all the claims, respectfully are requested. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.


I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313-1450, on July 30, 2004.



Gonzalo Merino, Ph.D., Reg. No. 51,192

Respectfully submitted,

By: _____


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